

### § 403.5

or to submit briefs to the Board. [Rule 4]

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended; Agreement between the Governments of the United States and Canada finalized on March 20, 1978)

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959, as amended at 43 FR 30539, July 17, 1978. Redesignated and amended at 47 FR 13805, Apr. 1, 1982]

### § 403.5 Meetings and functions of Board. [Rule 5]

(a) The Board shall meet at such time and place as the Chairman may decide.

(b) The Board may schedule hearings at such time and place as the Chairman may decide.

(c) If hearings are scheduled the Board shall so notify applicants on record by mail, and may cause notice of the time and place of hearings to be published in the "Canada Gazette" and the FEDERAL REGISTER.

(d) Three members of the Board, one of whom shall be the Chairman, shall constitute a quorum.

(e) The Chairman shall have the right to vote at meetings of the Board and in case of equal division shall also have a casting vote.

(f) The Chairman shall cause to be kept minutes of meetings and a record of proceedings at hearings. [Rule 5]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

### § 403.6 Additional information. [Rule 6]

The Board may require further information, particulars or documents from any party. [Rule 6]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

### § 403.7 Action on applications; notices of requirements. [Rule 7]

The Board may at any time require the whole or any part of an application, answers or reply to be verified by affidavit, by giving a notice to that effect to the party from whom the affidavit is required. If the notice is not complied with, the Board may set aside the application, answer or reply or

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strike out any part not verified according to the notice. [Rule 7]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

### § 403.8 Proceedings; stay or adjournment. [Rule 8]

The Board may stay proceedings or any part of the proceedings as it thinks fit or may from time to time adjourn any proceedings before it. [Rule 8]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

### § 403.9 Prehearings. [Rule 9]

The Board may direct, orally or in writing, parties or their representatives to appear before the Board or a member of the Board at a specified time and place for a conference prior to or during the course of a hearing or, in lieu of personally appearing, to submit suggestions in writing, for the purpose of formulating issues and considering:

(a) The simplification of issues;

(b) The procedure at the hearing;

(c) The necessity or desirability of amending the application, answer or reply for the purpose of clarification, amplification or limitation;

(d) The mutual exchange among the parties of documents and exhibits proposed to be submitted at the hearing; and

(e) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding. [Rule 9]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

### § 403.10 Hearings; witnesses; affidavits. [Rule 10]

(a) The witnesses at the hearings shall be examined viva voce, but the Board may, at any time, for sufficient reason, order that any particular facts may be proved by affidavit or that the affidavit of any witness may be read at the hearing, on such conditions as it may think reasonable, or that any witness whose attendance ought, for some sufficient reason to be dispensed with, be examined before a member of the Board. The evidence taken before a member of the Board shall be confined

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to the subject matter in question, and any objection to the admission of evidence shall be noted by the member and dealt with by the Board at the hearing. Such notice of the time and place of examination as is prescribed shall be given to the parties. All examinations shall be returned to the Board, and may without further proof be used in evidence, saving all just exceptions.

(b) The Board may, whenever it deems it advisable to do so, require written briefs to be submitted by the parties.

(c) The hearing, when once commenced, shall proceed, so far as in the opinion of the Board may be practicable, from day to day. [Rule 10]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

**§ 403.11 Findings and recommendations. [Rule 11]**

The Board shall report its findings and recommendations in writing to The St. Lawrence Seaway Authority and the Saint Lawrence Seaway Development Corporation and shall indicate whether the recommendations represent the unanimous agreement of the members of the Board and, if not, shall indicate those items on which unanimity was not achieved. [Rule 11]

[24 FR 9307, Nov. 18, 1959; 24 FR 10445, Dec. 23, 1959. Redesignated at 47 FR 13805, Apr. 1, 1982]

**PARTS 404–499 [RESERVED]**